

1 Rule 11-203. Senior justice court judges.

2 Intent:

3 To establish the qualifications, term, authority, appointment and assignment for
4 senior justice court judges and active senior justice court judges.

5 Applicability:

6 This rule shall apply to judges of courts not of record.

7 Statement of the Rule:

8 (1) Qualifications.

9 (1)(A) Senior Justice Court Judge. To be a senior justice court judge, a judge shall:

10 (1)(A)(i) have been certified by the Judicial Council for retention election or
11 reappointment at the last time the Judicial Council considered the judge for certification;

12 (1)(A)(ii) have voluntarily resigned from judicial office, retired upon reaching the
13 mandatory retirement age, or, if involuntarily retired due to disability, shall have
14 recovered from or shall have accommodated that disability;

15 (1)(A)(iii) demonstrate appropriate ability and character;

16 (1)(A)(iv) have been in office for at least five years; and

17 (1)(A)(v) comply with the restrictions on secondary employment provided by the
18 Utah Code.

19 (1)(B) Active Senior Justice Court Judge. To be an active senior justice court judge,
20 a judge shall:

21 (1)(B)(i) meet the qualifications of a senior justice court judge;

22 (1)(B)(ii) be physically and mentally able to perform the duties of judicial office;

23 (1)(B)(iii) maintain familiarity with current statutes, rules and case law;

24 (1)(B)(iv) satisfy the education requirements of an active justice court judge;

25 (1)(B)(v) accept assignments, subject to being called, at least two days per calendar
26 year;

27 (1)(B)(vi) conform to the Code of Judicial Conduct, the Code of Judicial
28 Administration and rules of the Supreme Court;

29 (1)(B)(vii) continue to meet the requirements for certification as those requirements
30 are determined by the Judicial Council to apply to active senior justice court judges; and

1 (1)(B)(viii) take and subscribe an oath of office to be maintained by the state court
2 administrator.

3 (2) Disqualifications. To be an active senior justice court judge, a judge shall not:

4 (2)(A) have been removed from office or involuntarily retired on grounds other than
5 disability;

6 (2)(B) have been suspended during the judge's final term of office or final four years
7 in office, whichever is greater;

8 (2)(C) have resigned from office as a result of negotiations with the Judicial Conduct
9 Commission or while a complaint against the applicant was pending before the
10 Supreme Court or pending before the Judicial Conduct Commission after a finding of
11 reasonable cause; and

12 (2)(D) have been subject to any order of discipline for conduct as a senior justice
13 court judge.

14 (3) Term of Office. ~~A senior justice court judge and active senior justice court judge~~
15 ~~is appointed for three years unless earlier removed by the Supreme Court with or~~
16 ~~without cause. Upon application, a senior justice court judge and active senior justice~~
17 ~~court judge may be reappointed. An active senior justice court judge may not serve~~
18 ~~beyond age 75.~~

19 (3)(A) The initial term of office of a senior justice court judge is until December 31 of
20 the second year following appointment. The initial term of office of an active senior
21 justice court judge less than age 75 years is until December 31 of the second year
22 following appointment or until December 31 of the year in which the judge reaches age
23 75, whichever is shorter. The initial term of office of an active senior justice court judge
24 age 75 years or more is until December 31 of the year following appointment.

25 (3)(B) A subsequent term of office of a senior justice court judge is for three years. A
26 subsequent term of office of an active senior justice court judge is three years or until
27 December 31 of the year in which the judge reaches age 75, whichever is shorter. The
28 subsequent term of office of an active senior justice court judge age 75 years or more is
29 for one year.

30 (3)(C) All subsequent appointments begin on January 1. The Supreme Court may
31 withdraw an appointment with or without cause.

1 (3)(D) The term of office of senior justice court judges and active senior justice court
2 judges in office on November 1, 2005 shall continue until December 31 of the year in
3 which their terms would have expired under the former rule.

4 (4) Authority. A senior justice court judge may solemnize marriages. In addition to
5 the authority of a senior justice court judge, an active senior justice court judge, during
6 an assignment, has all the authority of a justice court judge.

7 (5) Application and Appointment.

8 (5)(A) To be appointed a senior justice court judge or active senior justice court
9 judge a judge shall apply to the Judicial Council and submit relevant information as
10 requested by the Judicial Council.

11 (5)(B) The applicant shall:

12 (5)(B)(i) provide the Judicial Council with the record of all orders of discipline entered
13 by the Supreme Court; and

14 (5)(B)(ii) declare whether at the time of the application there is any complaint against
15 the applicant pending before the Supreme Court or pending before the Judicial Conduct
16 Commission after a finding of reasonable cause.

17 (5)(C) The Judicial Council may apply to the judicial performance evaluation
18 information the same standards and discretion provided for in Rule 3-111.04. After
19 considering all information the Judicial Council may certify to the Supreme Court that
20 the applicant meets the qualifications of a senior justice court judge or active senior
21 justice court judge. The chief justice may appoint the judge as a senior justice court
22 judge or active senior justice court judge.

23 ~~(5)(D) Senior justice court judges and active senior justice court judges holding~~
24 ~~those offices on the effective date of this rule may continue to serve in that capacity for~~
25 ~~three years and thereafter shall meet the requirements of this rule.~~

26 (6) Assignment.

27 (6)(A) With the consent of the active senior justice court judge, the appointing
28 authority for a justice court may assign an active senior justice court judge to a case or
29 for a specified period of time. Cumulative assignments under this subsection shall not
30 exceed 60 days per calendar year except as necessary to complete an assigned case.

1 (6)(B) In extraordinary circumstances and with the consent of the active senior
2 justice court judge, the chief justice may assign an active senior justice court judge to
3 address the extraordinary circumstances for a specified period of time not to exceed 60
4 days per calendar year, which may be in addition to assignments under subsection
5 (6)(A). To request an assignment under this subsection, the appointing authority shall
6 certify that there is an extraordinary need.

7 (6)(C) An active senior justice court judge may be assigned to any justice court in
8 the state.

9 (6)(D) The appointing authority shall make the assignment in writing and send a
10 copy to the court to which the active senior justice court judge is assigned and to the
11 state court administrator.
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